

**IN THE UNITED STATES BANKRUPTCY COURT
DISTRICT OF PUERTO RICO**

IN RE: **JOSE DAVID RIVAS RIVERA**CASE NO: **15-06070-MCF**

Debtor(s)

Chapter 13**TRUSTEE'S OBJECTION TO PROPOSED PLAN CONFIRMATION UNDER SECTION 1325**

*ATTORNEY FEES AS PER R 2016(b) STATEMENT:

Attorney of Record: **VICTOR GRATACOS DIAZ***Total Agreed: **\$3,000.00** Paid Pre-Petition: **\$180.00** Outstanding (Through the Plan): **\$2,820.00**

*TRUSTEE'S POSITION RE CONFIRMATION UNDER U.S.C. §1325

Debtor(s) Income is (are) ☐ Under ☒ Above Median IncomeLiquidation Value: **\$4,502.00**Commitment Period is ☐ 36 months ☒ 60 months §1325(b)(1)(B) General Unsecured Pool: **\$0.00**With respect to the (amended) Plan date: **Sep 10, 2015 (Dkt 14)** **Plan Base: \$52,200.00**The Trustee: ☐ DOES NOT OBJECT ☒ OBJECTS Plan Confirmation Gen. Uns. Approx. Dist.: **1.3 %**

The Trustee objects to confirmation for the following reasons:

[1325(a)(4)] Plan fails Creditors Best Interest Test.

Debtor failed to submit evidence of value assigned to property in Villa Calis, Caguas.

[1325(a)(6)] Feasibility – Debtor(s) does not has/have the capacity to make proposed plan payments.

Debtor is half a payment, or \$400.00, in arrears with the Trustee.

[1325(a)(6)] Insufficiently Funded – Plan funding insufficient to comply with Creditors Best Interest Test. [1325(a)(4)]

The minimum base needed totals approximately \$58,000.00.

[1325(a)(8)] DSO Payment Default – Debtor(s) is in default with postpetition DSO payments.

Debtor has failed to submit evidence of being current with post petition DSO payments. Debtor must continue to submit evidence of being current with such obligation up until the confirmation of the plan. Debtor has one 1 DSO account.

***OTHER COMMENTS / OBJECTIONS**

NONE.

CERTIFICATE OF SERVICE: The Chapter 13 Trustee herewith certifies that a copy of this motion has been served via first class mail on the same date it is filed to: the DEBTOR(S), and to her/his/their attorney through CM-ECF notification system.

/s/ Jose R. Carrion, Esq.

CHAPTER 13 TRUSTEE

Date: September 23, 2015

/s/ Nannette Godreau, Esq.

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Last Docket Verified: 16 Last Claim Verified: 4 CMC: NM